

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ADMI INC, TARSIN MOBILE INC., by their CEO,
JOSEPH R. CELLURA and JOSEPH R. CELLURA,
Individually,

Plaintiffs,

VS.

ALLEN D. MOYER, ADM INCORPORATED,
and DOES 1-2,

Defendants.

Case No.22-9339/ALC

**DECLARATION IN SUPPORT OF THE
PLAINTIFFS' MOTION TO ENLARGE
THEIR TIME TO SERVE PROCESS.**

Pursuant to 28 U.S.C. § 1746, Jose Z. Marin, Esq., hereby declares as follows:

1. I hereby declare under the penalty of perjury that the following statements are true and accurate to the best of my knowledge and belief:

2. On September 18, 2023, I engaged a professional process server, to effectuate service of the Amended Summons and Complaint upon Allen D. Moyer and ADM INCORPORATED. (Dkt-50)

3. On September 19, 2023, at different times, I contacted the process server to follow up on the status of the service at Defendant Moyer's home address. On the following day, September 20, 2023, I once again contacted the process server to inquire about the progress of serving the Defendants. I received the following email message:

9 /19-There is no access to this residence address. There seems to be 3 separate driveways and call boxes and there was no answer. It rang and rang. 9/20-There is no access to this residence address. No one answered the call box. I could see a car parked in the driveway and a light on inside. Would have a phone number to provide for the servee? Thank you (Attached email Exhibit "A".)

5. Previously on August 28, 2023, I inquired about services of process over the Defendants at the address I confirmed was registered with the California Secretary of State, the

site indicated the Defendant Allen D. Moyer is designated as the agent for service of process of ADMI INCORPORATED. The address registered was 18525 Sutter Boulevard, Suite 290 Morgan Hill, CA 95037. (Exhibit “B”).

6. Based on the information multiple attempts were made to serve Allen D. Moyer and ADMI INCORPORATED at the Defendant Moyer’s home address and his office address, the address registered with the California Secretary of State, but access was either not possible, no response was received, or the premises were abandoned. I was told and received a message that the office address was vacant, and no one knew of the Defendants as a tenant. (Exhibit “C”).

7. Multiple attempts were made to serve the Defendants at these addresses. DEFENDANTS did not waive service when I requested it from their counsel per the Federal Rules of Civil Procedure prior to engaging the process service’s assistance.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 24th day of September 2023.

/s/ Jose Z. Marin

Attorney at Law